

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

ARTHUR J GREVE
Claimant

APPEAL NO. 10A-UI-01235-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BISOM TRUCK LINE INC
Employer

**Original Claim: 12/06/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed a representative's January 13, 2010 decision (reference 01) that held him disqualified from receiving benefits and the employer's account exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. A telephone hearing was held on March 3, 2010. The claimant participated in the hearing. Mike Udelhoden, the owner, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on April 29, 2008. The claimant worked as a full-time truck driver. As a result of the economy, the employer did not have as much work for the claimant to do in November 2009 as he had been doing at the beginning of his employment. As a result of fewer loads to deliver, the claimant had problems meeting his financial obligations.

On November 20, 2009, the claimant delivered a load and had been assigned to take another load. When the claimant was in the office to pick up another load, he appeared upset about the money he had earned from the load he had just delivered. The claimant did not take another load. Instead, he left upset and made the comment he did not feel well.

On November 20, after he left the office, the claimant went to his doctor and had some blood work done. He returned to his doctor on Monday, November 23. The claimant went to an orthopedic surgeon and a therapist on Tuesday and Wednesday. The claimant did not notify the employer that he had doctors' appointments, even though drivers usually contacted the employer every day to see if there were any loads to haul. The claimant assumed the work week would be short because of Thanksgiving this week.

On December 1, the employer contacted the insurance company because the claimant had not contacted the employer or worked since November 20. The insurance company asked when the claimant had last worked. The insurance company dropped the claimant from coverage as of November 20, 2009, his last day of work. When the claimant talked to Udelhoden on Wednesday, December 2, he was not told the employer had talked to the insurance company the day before. The claimant told the employer on December 2, that he was trying to figure out how to make more money. The claimant asked if the employer would allow him part-time or just certain days, so he could try to find another job to meet his financial obligations. Udelhoden's wife made the comment that the employer would not pay for his insurance if he only worked as a part-time driver. The claimant left on December 2, because only wanted to talk Udelhoden, not his wife. The claimant left with the understanding that he and Udelhoden would think about what they had discussed and would talk again later. The two planned to talk again on December 7, but the claimant had an emergency. The claimant contacted Udelhoden and told him he could not talk that day, but would talk to the employer later.

The claimant received a letter from the insurance company telling him his insurance had been canceled as of November 20 because he no longer worked for the employer. The claimant did not understand and sent the employer an email indicating he had not quit. On December 16, the employer would not give him his paycheck until he handed in his keys.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a.

The facts indicate the claimant was upset when he left the office on November 20 and did not take the load that was waiting for him. Since the claimant walked out without taking the load that had been assigned to him, it is not logical that he did not contact the owner to let him know he left because he was ill. Even though Thanksgiving was the next week, the claimant's failure to contact the employer any time during the week of November 23 again suggests the claimant did not plan to go back to work. If the claimant planned to continue his employment, his conduct suggests otherwise. Even when the claimant talked to the employer on December 2, he indicated he did not want to continue working full-time for the employer. Instead, he wanted to drive only one, two, or three days a week. While the claimant may not have wanted to totally end his employment, he did not want to continue working full-time for the employer. Since the claimant usually contacted the employer more than once every two weeks and asked if he could only work part-time, the claimant's conduct and actions establish that he voluntarily quit his full-time employment. When a claimant quits, he has the burden to establish he quit for reason that qualify him to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant quits without good cause when he leaves because he is not satisfied with his wages. 871 24.25(13). The claimant concluded he did not make enough money working for the employer because the employer did not have as many loads to deliver because of the soft economy. Unfortunately, both the claimant and employer have been affected by the economy, or a slowdown in hauling loads. The claimant established compelling personal reasons for quitting. His reasons do not, however, qualify him to receive benefits. As of December 6, 2009, the claimant is not qualified to receive benefits.

DECISION:

The representative's January 13, 2010 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of December 6, 2009. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw